

**REMARKS**

Claims 12-18 are pending in the application and stand rejected.

**Interview Summary**

The undersigned thanks the Examiner for conducting the telephonic interview on May 18, 2010. During the interview, the rejection of claim 12 in view of Komatsu and Terahara and the rejection of claim 17 in view of Komatsu, Terahara and Hanafusa were discussed. No agreement was reached.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu (JP 2000-123801) in view of Terahara et al. (US 6,379,846).

In the rejection, the Examiner contends that Komatsu discloses a battery equipped with a cover member and Terahara discloses a technique of providing a non-coated part on an electrode. Further, the Examiner contends it would be obvious to applying the technique of Terahara to the battery of Komatsu. *See* Office Action, page 3, lines 4 to 21.

However, despite the Examiner's contention, Applicants respectfully submit that the Examiner has failed to establish *prima facie* obviousness of the feature "at least the part of said non-coated portion is exposed on a surface of said power generating element, and the exposed part of said non-coated portion is covered with said cover member," as recited in claim 12.

Although Terahara discloses the technique of providing the non-coated part on the electrode, even if the technique of the non-coated part is applied to the battery of Komatsu, it is

not necessarily the case that the non-coated part is always exposed on the surface of a power generating element. For example, in Fig. 1 of Komatsu, a terminal lead 7 is projected from the center of the cross-section of the power generating element, and the projection from the center of the cross-section of the power generating element means the projection from the inside of the power generating element. This portion of Terahara clearly shows that the joint part between the terminal lead and the electrode, that is, the non-coated part, is present inside the power generating element. Further, throughout Terahara, it is common that that the non-coated part is not exposed on the surface of a power generating element in the case of the battery of Komatsu. Accordingly, even if the application of the non-coated part in Terahara is applied to the battery of Komatsu, as evidenced by FIG. 1, it is not obvious to have a structure such that the non-coated part would be exposed on the surface of the power generating element of Komatsu. In other words, even if the technique of non-coated part of Terahara could be applied to the battery of Komatsu, the Examiner fails to articulate any reasoning with respect to the feature “at least one of said non-coated portion is exposed on a surface of said power generating element” as recited in claim 12.

Further, based on the evidence that the position of the non-coated part is unclearly specified in the battery of Komatsu, because the positional relation of the cover member and the non-coated part is also unclear, the Examiner fails to provide any reasoning with respect to the feature “the exposed part of said non-coated portion is covered with said cover member” as recited in claim 12.

As described above, even if the technique of providing the non-coated part of Terahara is applied to the battery of Komatsu, the Examiner does not provide any reasoning with respect to the constitution of “at least one of said non-coated portion is exposed on a surface of said power

generating element” and “the exposed part of said non-coated portion is covered with said cover member” in claim 12. The Examiner’s reasoning on claim 12 does not meet the provision of MPEP 2143.03.

Thus, Applicants submit claim 12 is allowable for at least this reason. Additionally, claim 13 is allowable, at least by virtue of its dependency.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 14-15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu, Terahara as applied to claims 12-13, in further view of Hanafusa (US 2001/0051298).

In the rejection, the Examiner contends the features of claim 17 would be obvious by applying the technique of Terahara to the battery of Komatsu and replacing the cover member of Komatsu by a cover member (resin 6, 8) of Hanafusa. *See* Office Action, page 4, line 18 to page 6, line 3.

As claimed in claim 17, a sealant layer and a cover member are present between an aluminum foil and a power generating element, the aluminum foil and the sealant layer are each a part of a battery case, and the cover member is the part which is present separately from the battery case. On the other hand, as shown by FIG. 36 of Hanafusa, resin 6 is present between a metallic foil 69 and a battery interior and the metallic foil 69 and the resin 6 are each a part of an exterior (a battery case) (*see* Hanafusa, [0006], lines 8 to 11), and no cover member is present in the battery of Hanafusa.

In the Office Action, the Examiner’s contention on page 5, lines 17 and 18, “However, Hanafusa teaches a battery element which is covered by a cover member 6, 8 and an aluminum foil barrier layer (fig. 36)” suggests that the resin 6, 8 corresponding to the sealant layer in claim

17 covers the power generating element, but does not suggest such a constitution that the cover member that is present separately from the sealant layer which covers the power generating element. It is clear that a member per se corresponding to a cover member for replacing the cover member of Komatsu is not present in a battery of Hanafusa.

As described above, according to the outstanding Office Action, the Examiner suggests that the resin 6, 8 of Hanafusa correspond to the sealant layers of claim 17. The Examiner also alleges that these resin members 6, 8 somehow cover the power generating element in such a manner that a terminal lead is sandwiched between the sealant layers. However, the Examiner fails to provide any reasoning with respect to the feature “said two cover members face each other, holding said positive electrode lead terminal and said negative electrode terminal between them, to cover said power generating element,” as recited in claim 17. Accordingly, the Examiner’s reasoning on claim 17 does not meet the provision of MPEP 2143.03.

Also, wrinkles and folds are easy to be generated in the battery case of the battery using the laminate sheet comprising the aluminum foil and the sealant layer, under reduced pressure condition. However, when the cover members, which are present separately from the battery case, are provided in a manner that the cover members cover the power generating element, the peculiar effect that generates the wrinkles and the folds may be prevented (*see* page 6, line 29 to page 7, line 18 in the specification). Conversely, in the battery of Hanafusa, because the resin 6, 8 is a part of the battery case, the resin 6, 8 per se does not have any function of preventing the wrinkles and the folds from generating.

Thus, Applicants submit the Examiner has failed to establish *prima facie* obviousness of claim 17 for at least those reasons set forth above. Therefore claim 17 is allowable for at least

those reason set forth above. Additionally, claim 18 is allowable, at least by virtue of its dependency.

Further, with respect to claims 14 and 15 (*see* Office Action, page 4, lines 8 to 17), the Examiner's reasoning fails to meet the provision of MPEP 2143.03, for the same reasons as in claim 17 and 18 above. Thus, Applicants submit claims 14 and 15 are allowable because the Examiner has failed to establish *prima facie* obviousness.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu and Terahara as applied to claims 12 and 13, in further view of Lake (US 5,326,652).

Applicants submit the Examiner has failed to establish *prima facie* obviousness of claim 16 as set forth below.

In the rejection on page 6 lines 13 and 14, although the Examiner points out that “the superposed portion of said covers (base film) 22 faces the non-coated portion with one side”, the Examiner does not clearly state which position of Fig. 3 in Lake corresponds to the non-coated portion. As already described above with respect to Claim 12, even if the technique of providing the non-coated part in Terahara is applied to the battery of Komatsu, because it is not necessarily the case that the non-coated part is essentially exposed on the surface of the power generating element of Komatsu, the position of non-coated part is unclear.

Accordingly, even if the techniques of Terahara and Komatsu are further combined with the battery of Lake, because the position of the non-coated part remains unclear, as long as the position of the non-coated part is unclear in FIG. 3 of Lake, there is no support for the Examiner's contention that these references disclose “the superposed portion of said two cover members faces the non-coated portion.” Further, the Examiner does not provide any reasoning

with respect to this constitution. Thus, the Examiner has failed to establish *prima facie* obviousness for at least this reason.

As such, Applicants respectfully submit that even if Terahara, Komatsu and Lake are combined as suggested, the suggested combination fails to disclose all of the features of claim 16. Thus, Applicants submit claim 16 is allowable for at least this reason.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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